

1001 G Street, N.W.  
Suite 500 West  
Washington, D.C. 20001  
tel. 202.434.4100  
fax 202.434.4646

**Writer's Direct Access**  
**Gregory E. Kunkle**  
(202) 434-4178  
kunkle@khlaw.com

March 12, 2019

Donald Stockdale  
Chief, Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Lisa M. Fowlkes  
Chief, Public Safety and Homeland Security Bureau  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re:** Commonwealth of Pennsylvania and First Energy Corp. Request for Amendment of  
Waiver, DA 99-1756; Request for Confidential Treatment - Trunked Radio System  
Sharing Agreement

Dear Mr. Stockdale and Ms. Fowlkes:

Please find attached a joint Waiver Request of the Commonwealth of Pennsylvania and FirstEnergy Corp. to amend an existing waiver authorizing operation of a statewide Public Safety/Power Radio Service system on a non-profit, cost-shared basis (DA 99-1756).

Attached to the Waiver Request is a recently executed Trunked Radio System Sharing Agreement ("Agreement") which is entitled to confidential treatment pursuant to Section 0.457(d) of the Commission's Rules, 47 CFR § 0.457(d). The Agreement, which contains commercial information, is privileged and confidential and not routinely available for public inspection. The Agreement has been marked "Confidential" in the attachment to the Waiver Request.

Please contact the undersigned if you have any questions

Sincerely,



Gregory E. Kunkle  
Albert J. Catalano

cc: Michael Wilhelm

Donald Stockdale  
Chief, Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Lisa M. Fowlkes  
Chief, Public Safety & Homeland Security Bureau  
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**Re: Commonwealth of Pennsylvania and FirstEnergy Corp.  
Request for Amendment of Waiver  
DA 99-1756**

Dear Mr. Stockdale and Ms. Fowlkes:

By this letter, the Commonwealth of Pennsylvania ("Commonwealth") and FirstEnergy Corp. ("FirstEnergy") ask that the Commission's August 31, 1999 waiver,<sup>1</sup> granted jointly to the Commonwealth and GPU Energy, the predecessor in interest to FirstEnergy,<sup>2</sup> be amended as described herein. The waiver authorizes the Commonwealth and First Energy to operate and utilize a statewide Public Safety/Power Radio Service system on a nonprofit, cost shared basis. Pursuant to a written agreement and under authorization of the waiver, the parties have operated the shared system on 800 MHz channels. To the extent needed, we now request that the 1999 waiver of Section 90.179 of the Rules be expanded to allow the authorization of channels from the VHF Band to be added to the shared system.

The *Order* granting the waiver noted the public interest benefits inherent in a shared Public Safety/Power Radio Service system, including the fact that public safety services in Pennsylvania will be able to communicate with one another throughout a wide area of coverage while reducing the cost of constructing an entire backbone system. The *Order* also pointed out that granting the waiver would facilitate interoperability between public safety agencies and electric utilities, especially in disaster situations.<sup>3</sup>

The Commission's waiver of Section 90.179, has enabled the Commonwealth and FirstEnergy to integrate 800 MHz channels and move forward with a single radio system serving our collective needs throughout much of Pennsylvania. Although the 800 MHz radio system was state-of-the-art spectrally efficient at the time, the Commonwealth is now seeking to upgrade to a

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<sup>1</sup> In the Matter of COMMONWEALTH OF PENNSYLVANIA and GPU ENERGY Request for Waiver of Section 90.179 of the Commission's Rules, *Order*, released August 31, 1999, DA 99-1756 (1999). *Order*, Para. 11.

<sup>2</sup> FirstEnergy is headquartered in Akron, Ohio and comprises one of the nation's largest investor-owned electric systems, serving six million customers in the Midwest and Mid-Atlantic regions. See, [www.firstenergycorp.com](http://www.firstenergycorp.com), visited December 6, 2018.

<sup>3</sup> *Order*, Para. 11.

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non-proprietary replacement P25 system. We seek to add additional capacity to the shared system by utilizing channels in the VHF Band that are separately available to each party.

We note that the inclusion of First Energy's Part 90 Industrial/Business Pool VHF channels in the shared system is authorized under Section 90.179(h) of the rules. Likewise, FirstEnergy may contribute Part 22 VHF channels to the shared system, without being subject to any Part 90 sharing restrictions.

First Energy is fully aware of its spectrum sharing responsibilities under the *Order* and will continue to contribute sufficient spectrum to satisfy its own needs.<sup>4</sup> The addition of VHF channels to enhance capacity and coverage of the shared system will benefit public safety and is in the public interest. We respectfully request that, to the extent needed, the 1999 *Order* be amended to allow for the inclusion of these channels.

Sincerely,



Robert L. Barnham  
Director, Statewide Radio Network Division  
Commonwealth of Pennsylvania



Jeffrey M. Schomer  
Director, End User Systems & IT Planning  
First Energy

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<sup>4</sup> *Order*, Para. 14.